



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

REPLY TO THE ATTENTION OF:

**(AE-17J)**

**JAN 23 2008**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Douglas Pfeffer  
Pfeffer's Cleaners  
2490 County Road East  
White Bear Lake, Minnesota 55110

Re: Finding of Violation  
Pfeffer's Cleaners  
White Bear Lake, Minnesota

Dear Mr. Pfeffer:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Pfeffer's Cleaners (you). We find that you are violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your White Bear Lake, Minnesota facility.

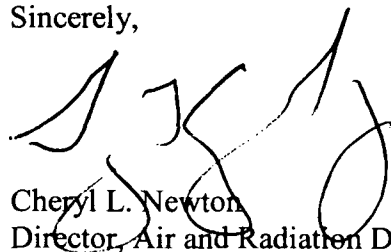
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Nathan A. Frank, P.E.. You may call Mr. Frank at (312) 886-3850 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



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Cheryl L. Newton  
Director, Air and Radiation Division

Enclosure

cc: Jeff Connell, Manager  
Compliance and Enforcement Section  
Minnesota Pollution Control Agency

**United States Environmental Protection Agency Region 5**

IN THE MATTER OF:	)	
	)	
Pfeffer's Cleaners	)	FINDING OF VIOLATION
White Bear Lake, Minnesota	)	
	)	EPA-5-09-MN-05
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency finds that Pfeffer's Cleaners is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Pfeffer's Cleaners is violating the National Emission Standards for Hazardous Air Pollutants for Dry Cleaning Facilities (Dry Cleaner Rule) at 40 C.F.R. Part 63, Subpart M as follows:

**Regulatory Authority:**

The Dry Cleaner Rule, originally established on September 22, 1993, applies to all dry cleaning facilities that use perchloroethylene.

On July 27, 2006, U.S. EPA promulgated additional requirements to the Dry Cleaner Rule after a finding that both a residual risk to human health and advances in practices, processes, and control technologies warranted more stringent requirements under the Rule in accordance with Section 112 of the Clean Air Act. These additional requirements are located at 40 C.F.R. § 63.322(o).

Among the revisions established on July 27, 2006 is a national ban on the use of equipment known as "transfer machines." *This ban became effective on July 28, 2008.* A "transfer machine" is a multiple-machine dry cleaning operation in which washing and drying are performed in different machines. The construction of any new transfer machines has been banned by the Dry Cleaner Rule since it was originally established on September 22, 1993. See 40 C.F.R. § 63.322.

Since the Dry Cleaner Rule was originally proposed, the Minnesota Pollution Control Agency, through its Small Business Environmental Assistance Program, has had an initiative to provide outreach and compliance assistance to dry cleaning facilities in Minnesota. This initiative has

involved numerous workshops, site visits, compliance assistance resources, and the availability of low-interest loans for dry cleaners to upgrade equipment. Most recently, the program has reached out to the operators of transfer machine equipment to aid in the implementation of the 2006 revisions to the Dry Cleaner Rule.

Pfeffer's Cleaners owns and operates a dry cleaning facility at 2490 County Road East, White Bear Lake, Minnesota. This dry cleaning facility is subject to the requirements at 40 C.F.R. §63.322 because it uses perchloroethylene. Pfeffer's Cleaner uses and continues to use a transfer machine.

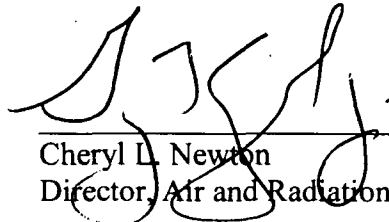
**Violation:**

1. Since July 28, 2008, Pfeffer's Cleaners has operated and continues to operate a transfer machine at its White Bear Lake, MN facility in violation of 40 C.F.R. §63.322(o)(3).

**Environmental Impact of Violations**

2. Perchloroethylene may cause serious health effects including birth defects and cancer. Perchloroethylene may also cause harmful environmental and ecological effects. EPA considers perchloroethylene as intermediate between a probable and possible human carcinogen.

Date: 1/23/09

  
Cheryl L. Newton  
Director, Air and Radiation Division

ACTING

CERTIFICATE OF MAILING

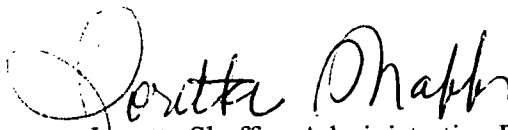
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-09-MN-05, by Certified Mail, Return Receipt Requested, to:

Douglas Pfeffer  
Pfeffer's Cleaners  
2490 County Road East  
White Bear Lake, Minnesota 55110

I also certify that I sent copies of the Finding of Violation by first class mail to:

Jeff Connell, Manager  
Compliance and Enforcement Section  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4194

on the 23 day of JAN, 2009.



Loretta Shaffer, Administrative Program  
Assistant  
AECAS, (MN/OH)  
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 0185 9440

Technical Contact: Nathan A. Frank, P.E.  
(312) 886-3850

Legal Contact: Padmavati Bending  
(312) 353-8917

Media Contact: Bill Omohundro  
(312) 353-8254